

COMPLIANCE REVIEW

O.H. CLOSE YOUTH CORRECTIONAL FACILITY



Prepared by:

California Department of Corrections and Rehabilitation
Office of Audits and Compliance

December 2009

WARDS WITH DISABILITIES PROGRAM

Temporary Departmental Order 06-71 and Wards with Disabilities Program Remedial Plan, Sections I, VIII and XIII.

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EXECUTIVE SUMMARY

The Office of Audits and Compliance, Compliance/Peer Review Branch (CPRB) reviewed the Division of Juvenile Justice (DJJ), Temporary Departmental Order (TDO) 06-71 and the Wards with Disabilities Program (WDP) Remedial Plan, Sections I, V, VI, and VIII to determine whether O.H. Close Youth Correctional Facility (OHCYCF) is in compliance with the policies and identified areas outlined in the WDP Remedial Plan.

The review period for the WDP was July 2008 through December 2009, with fieldwork conducted on December 7 through December 8, 2009. During this period, the CPRB reviewed Juvenile Parole Board (JPB) and Juvenile Justice Administrative Committee (JJAC) agendas, field files, the Ward Information Network (WIN) system, and Special Education files.

The CPRB review team concludes that OHCYCF is in substantial compliance (SC) with the policies and identified areas outlined in the WDP Remedial Plan, Sections I, VIII, and XIII, action items 35, 51, and 55.

BACKGROUND

On November 19, 2004, a Consent Decree was entered into in the case of *Farrell v. Allen*. The Consent Decree required the defendant, now the DJJ, to file Remedial Plans in all areas of deficiency identified by the Court appointed experts by January 31, 2005. In January 2005, in response to the Consent Decree, DJJ made the decision to reform California's juvenile system into a rehabilitative model based on a therapeutic environment.

The DJJ has established a Farrell Task Force Team to develop, implement, and measure compliance within the scope of the six Remedial Plans. As part of the Farrell Task Force, the CPRB is charged with assessing compliance and if applicable, recommending corrective actions related to the findings.

The CPRB will be reviewing specific action items that make up the six Remedial Plans. The action items that have been selected for review are based on risk to the Department. These issues include, but are not limited to, 18 items with a time sensitive date and key indicators. The review will be evaluated using a compliance rating system. Each action item will be evaluated by whether it is in SC 85 percent and above, partial compliance (PC) 84 percent to 50 percent, and noncompliance (NC) 49 percent and below. Items that result in a "yes" or "no" compliance level will be rated as SC or NC. Items that cannot be rated will be categorized as not ratable (NR). Due to the diversity and occasional abstract content of the action items, a numeric rating system cannot always be utilized. As a result, a narrative rating system will be used to evaluate the level of compliance.

The specific objectives of the review were to verify whether:

- The Superintendent is ensuring that due process and equal access occurs for youths with disabilities that require accommodations during JJAC and JPB hearings;
- The Principal is ensuring that youth with disabilities enrolled in education programs have equal access to educational programs, services, and activities;
- Pre-Individualized Education Program (IEP) meetings are occurring; and
- The Education Specialist is discussing the tenets of advocacy with the youth and surrogates prior to the IEP meeting.

The CPRB determined whether the objectives were met by reviewing:

- WDP Remedial Plan Court appointed expert's report, dated March 30, 2009.

Action Item 35

- WDP Remedial Plan, Section XIII, page 52;
- TDO 06-71, page 78;
- WDP Board Information report;
- Information obtained from interviewing the Parole Agent (PA) III;
- JPB and JJAC agendas; and
- Field files.

Action Item 51

- WDP Remedial Plan, Sections I and VIII;
- TDO 06-71;
- WIN records; and
- Interviews with youth, youth correctional counselors and Supervising Casework Specialist/Treatment Team Supervisors.

Action Item 55

- WDP Remedial Plan Section VIII;
- TDO 06-71;
- Observed IEP meetings;
- Reviewed Special Education files.
- Memorandum from the Special Education Program Specialist dated February 9, 2009;
- Interviews with education staff; and
- California Education Authority Special Education Manual.

CPRB Remedial Site Compliance Report

Item	Review Method and Action Items	SC	PC	NC	NR
35	<p>Action Item:</p> <p>The superintendent shall be responsible for ensuring that due process and equal access occurs for wards with disabilities who require accommodations during institutional JPB hearings.</p> <p>Methodology:</p> <p>Reviewed the WDP Remedial Plan, Section XIII.</p> <p>Reviewed TDO 06-71.</p> <p>Reviewed the file files.</p> <p>Reviewed the JPB and JJAC agendas.</p> <p>Reviewed the WDP Board Information reports.</p> <p>Information obtained from interviewing the PA III.</p> <p>Information obtained from interviewing the JPB and JJAC members.</p> <p>Criteria:</p> <p>WDP Remedial Plan, Section XIII, page 52.</p> <p>Reviewed TDO 06-71, page 78.</p>	X			

CPRB Remedial Site Compliance Report

Item	Review Method and Action Items	SC	PC	NC	NR
51	<p>Action Item:</p> <p>The Principal shall ensure that ward with disabilities enrolled in educational programs have equal access to educational programs, services and activities.</p> <p>Methodology:</p> <p>Reviewed the WDP Remedial Plan, Sections I and VIII.</p> <p>Reviewed TDO 06-71.</p> <p>Reviewed WIN records</p> <p>Reviewed the WDP list of youths with disabilities.</p> <p>Information obtained from the educational staff members.</p> <p>Criteria:</p> <p>WDP Remedial Plan, Section I, page 2, and Section VIII, page 31.</p> <p>TDO 06-71, pages 2 and 49.</p>	X			

CPRB Remedial Site Compliance Report

Item	Review Method and Action Items	SC	PC	NC	NR
55	<p>Action Item:</p> <p>Each Education Specialist that is assigned as a case carrier, or alternative, will discuss the tenets of advocacy with the ward and surrogates prior to the IEP meetings to encourage active participation. During the IEP meeting, the specialist or alternative will serve as the advocate of the student.</p> <p>Methodology:</p> <p>Reviewed the WDP Remedial Plan, Section VIII.</p> <p>Reviewed TDO 06-71.</p> <p>Reviewed the memorandum from the Special Education Program Specialist dated February 9, 2009.</p> <p>Reviewed the Special Education files.</p> <p>Criteria:</p> <p>WDP Remedial Plan, Section VIII, page 34.</p> <p>TDO 06-71, page 52.</p>	X			

Review of the Wards with Disabilities Program

O.H. CLOSE YOUTH CORRECTIONAL FACILITY

GLOSSARY

CPRB	Compliance/Peer Review Branch
DJJ	Division of Juvenile Justice
IEP	Individualized Education Program
JJAC	Juvenile Justice Administrative Committee
JPB	Juvenile Parole Board
NC	Noncompliance
NR	Not Ratable
OH CYCF	O.H. Close Youth Correctional Facility
PA	Parole Agent
PC	Partial Compliance
SC	Substantial Compliance
TDO	Temporary Departmental Order
WDP	Ward with Disabilities Program
WIN	Ward Information Network